

**REMARKS**

Claims 49-51 are all the claims pending in the application.

***Summary of the Office Action***

In the present Office Action, the Examiner has withdrawn the previous rejection of claim 50, and now indicates that claims 50 and 51 are allowed.

However, the Examiner has withdrawn the allowed status of claim 49 and rejects the claim under 35 U.S.C. § 101 as allegedly directed toward non-statutory subject matter.

***Analysis of Claim Rejections***

The Examiner rejects claim 49 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Specifically, the Examiner alleges that “Supreme Court precedent and recent Federal Circuit decisions indicate a statutory ‘process’ under 35 U.S.C. § 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing,” (Office Action, page 2). The Examiner then asserts that claim 49 “neither transform[s] underlying subject matter nor positively tie[s] to another statutory category... and therefore do[es] not qualify as a statutory process,” (Office Action, page 2).

Applicant amends claim 49 to recite “allotting motion intensity, by an allotting device, to each frame constituting the image data” (emphasis added). Claim 49 as amended positively ties the claim to the allotting means. Accordingly, claim 49 recites statutory subject matter, and is patentable under 35 U.S.C. § 101.

AMENDMENT UNDER 37 C.F.R. § 1.111

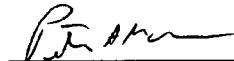
Application No.: 10/633,617

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Peter A. McKenna  
Registration No. 38,551

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE  
23373  
CUSTOMER NUMBER

Date: June 3, 2009